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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,744	10/07/2003	Manish C. Kanjee	MLP 7236	5358
321	7590	02/22/2006	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			AFZALI, SARANG	
			ART UNIT	PAPER NUMBER
			3729	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/680,744

Applicant(s)

KANJEE ET AL.

Examiner

Sarang Afzali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Application filed 10/07/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 19-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01072004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 1-18, drawn to an apparatus, classified in class 29, subclass 772.
- II. Claims 19-20, drawn to an apparatus, classified in class 29, subclass 772.
- III. Claims 21-22, drawn to method of assembling trusses, classified in class 29, subclass 897.31.

1. Inventions Group I and Group II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Group I does not require the details such as simultaneously roll over and press connectors into truss members and a table deck defining a second work zone for receiving spliced truss members and connectors for forming a truss subassembly. The subcombination has separate utility such as use in a combination that does not require the guides being located out of registration with the work bay and a flipper arm positioned for flipping the truss over from the second work zone to the third work zone.

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2. Inventions Group I and Group III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by hand.

3. Inventions Group II and Group III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by hand.

During a telephone conversation with Kurt James on 2-9-2006 an election was made with traverse to prosecute the invention of Group (I), claims 1-18. Affirmation of this election must be made by applicant in replying to this office action. Claims 19-22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 8, and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hubbard (U.S. 5,170,558).

As applied to claim 1, Hubbard teaches a truss fabrication system for use in fabricating trusses from truss components including truss members and connectors joining the truss members together, the truss fabrication system comprising:

a truss set-up table (12, Fig.) including a substantially horizontal table deck (top surfaces of tables 12, Fig.) having a side edge (see Fig. 8), and extension arms projecting generally horizontally outward from the side edge, the extension arms (skate rails 22, Fig. 8) being spaced apart from each other along the table deck side edge, the extension arms and table deck side edge defining at least one work bay sized to permit a worker to pass into the work bay to the table deck side edge for manipulating the truss components on the table deck

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(work bay 23 is between preliminary assembly area 11 and the conveyor area 15, Fig. 1, col. 4, lines 29-31); and a gantry press (13, Fig. 1) movable relative to the truss set-up table, the gantry press being sized and arranged relative to the truss set-up table for pressing connectors (plate 20, Fig. 1) into truss members supported on the table deck and for pressing connectors into truss members supported on the extension arms (col. 3, lines 50-59).

As applied to claim 2, Hubbard teaches a truss fabrication system wherein the gantry press (13, Fig. 1) is sized and arranged relative to the truss set-up table for simultaneously pressing connectors (plate 20, fig. 1) into truss members supported on the table deck (small truss web members 21c, Fig. 1) and for pressing the connectors (plates 20, Fig. 1) into truss members (lower truss chords 21a & sloping truss chords 21b, Fig. 1) supported on the extension arms.

As applied to claims 3 and 4, Hubbard teaches a truss fabrication system comprising of guides (14, Fig. 1) for guiding the movement of the gantry press relative to the truss set-up table (12, Fig. 1), wherein the guides are located out of registration with the work bay (23, Fig. 1) and mounted on the truss set-up table (guide 14 is shown mounted on legs of the tables 12, Fig. 8).

As applied to claim 5, Hubbard teaches a truss fabrication system wherein a guide (14) is located adjacent to the table deck side edge (Fig. 8 shows the guide 14 is located adjacent to the side edges of all table decks 12).

As applied to claim 6, Hubbard teaches a truss fabrication system wherein the guides (14) are located generally on opposite sides of the table deck (12, Figs. 1 & 8), the gantry press comprising a gantry (13), a cylindrical roller

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rotatably mounted on the gantry (col. 3, lines 50-59) sized for engaging connectors (plates 20, Fig. 1) into truss members supported on the table deck (small truss web members 21c, Fig. 1) and (lower truss chords 21a & sloping truss chords 21b, Fig. 1) supported on the extension arms (skate rails 22, Fig. 8), a motor for powering rotation of the roller, and guide wheels engaging the guides for guiding motion of the gantry press.

Note that Hubbard teaches the gantry pinch roller (13) is actuated to roll over the guides (14) on Fig. (8) and it is inherent as Hubbard teaches that the gantry (13) includes a motor for powering rotation of the roller, and guide wheels engaging the guides for guiding motion of the gantry press such as one by Klaisler Manufacturing (col. 3, lines 28-36).

As applied to claim 8, Hubbard teaches a truss fabrication system wherein the extension arms (skate rails 22, Fig. 8) define a first work zone (first work zone is the top of the very first table 12 with the very first skate rail 22 defining it to the left of gantry 13, Fig. 1) and the table deck (top of table 12, Fig. 8) a second work zone (top of the second table 12 to the left of gantry 13, Fig. 1), each work zone being configured to hold connectors (plates 20) and truss members (21 a-c) in position for the gantry press (13) to simultaneously press connectors into truss members.

As applied to claim 13, Hubbard teaches a truss fabrication system wherein the extension arms (skate rails 22, Fig. 8) have upper surfaces for engaging and supporting truss components in the first work zone, the upper

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surfaces being located at a vertical height greater than the height of the table deck in the second work zone (see Fig. 8).

As applied to claim 14, Hubbard teaches a truss fabrication system wherein the first work zone (first work zone is the top of the very first table 12 with the very first skate rail 22 defining it to the left of gantry 13, Fig. 1) includes the work bay, the extension arms being adapted to hold truss members (members 21 a-c, Fig. 1) spanning adjacent extension arms (the second skate rail 22 to the left of gantry 13, Fig. 1) through the work bay.

As applied to claim 15, Hubbard teaches a truss fabrication system wherein the extension arms (skate rails 22, Fig. 8) have upper surfaces for engaging and supporting truss components, the upper surfaces being located at a vertical height greater than the height of the table deck (col. 3, lines 59-63).

As applied to claim 16, Hubbard teaches a truss fabrication system wherein the upper surfaces of the extension arms are located between about 1 and 3 inches above the table deck. Note that the upper surfaces of extension arms (skate rails 22, Fig. 8) are shown above the top of table 12, Fig. 8) at approximately between about 1 and 3 inches and since they are actuated upward to lift and clear truss (18) over the jigs (12a, Fig. 1), it is given that they during their upward deployment extension arms (skate rails 22) are raised at least 1 inch above the table deck (top of table 12).

As applied to claim 17, Hubbard teaches a truss fabrication system wherein the extension arms (skate rails 22, Fig. 1) define multiple work bays along the table deck side edge. Note that there is a plurality of extension arms



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(skate rails 22) and each defines a work bay at space (23, Fig. 1) located between areas (11 and 15, Fig. 1).

As applied to claim 18, Hubbard teaches a truss fabrication system wherein the gantry press (13, Fig. 1) further comprises a bearing surface (outside periphery of gantry's pinch roller) engagable with a surface of an extension arm to support the extension arm as the gantry press presses connectors into truss members supported on the extension arm. Note that the outside periphery of pinch roller of the gantry (13) is capable of engaging (engagable) the top surface of an extension arm (skate rail 22) is lifted up during the pressing operation.

6. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by McAdoo et al. (U.S. 6,817,090).

As applied to claim 1, McAdoo et al. teaches a truss fabrication system for use in fabricating trusses from truss components including truss members and connectors joining the truss members together, the truss fabrication system comprising:

a truss set-up table (12, Fig.) including a substantially horizontal table deck (work surface 16 including table plates 18 a-j, Fig.) having a side edge (side beams 30, Fig.), and extension arms (jigs 54, Fig. 1) projecting generally horizontally outward from the side edge, the extension arms being spaced apart from each other along the table deck side edge, the extension arms and table deck side edge defining at least one work bay sized to permit a worker to pass into the work bay to the table deck side edge for manipulating the truss

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components on the table deck; and a gantry press (14, Fig. 1) movable relative to the truss set-up table, the gantry press being sized and arranged relative to the truss set-up table for pressing connectors (46, Fig. 4) into truss members supported on the table deck (truss members 44 supported on table plates 18 a-j, Figs. 1 & 3) and for pressing connectors (46, Fig. 4) into truss members supported on the extension arms (truss members 42 supported on extension arms 54, Fig. 3).

As applied to claim 2, McAdoo et al. teach a truss fabrication system wherein the gantry press (14, Fig. 1) is sized and arranged relative to the truss set-up table for simultaneously pressing connectors (46, Fig. 4) into truss members supported on the table deck (truss members 44 supported on table plates 18 a-j, Figs. 1 & 3) and for pressing connectors (46, Fig. 4) into truss members supported on the extension arms (truss members 42 supported on extension arms 54, Fig. 3).

As applied to claims 3 and 4, McAdoo et al. teach a truss fabrication system comprising of guides (38, Fig. 1) for guiding the movement of the gantry press relative to the truss set-up table (12, Fig. 1), wherein the guides (38) are located out of registration with the work bay (side of the assembly 10, Fig. 1) and mounted on the truss set-up table (col. 3, lines 41-47). Note that Figure 4 shows guides (38) of the gantry press being mounted on legs 926) of table (12).

As applied to claim 5, McAdoo et al. teach a truss fabrication system wherein a guide (38) is located adjacent to the table deck side edge (30, Fig. 1).

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As applied to claim 6, McAdoo et al. teach a truss fabrication system wherein the guides (38) are located generally on opposite sides of the table deck (12, Fig. 1), the gantry press (14) comprising a gantry (body 40, Fig. 1), a cylindrical roller (not shown) rotatably mounted on the gantry (col. 3, lines 41-47) sized for engaging connectors (46, Fig. 4) into truss members supported on the table deck (truss members 44 supported on table plates 18 a-j, Figs. 1 & 3) and for supported on the extension arms (truss members 42 supported on extension arms 54, Fig. 3), a motor (shown but not labeled, Fig. 1) for powering rotation of the roller, and guide wheels (34, Fig. 1) engaging the guides for guiding motion of the gantry press.

As applied to claim 7, McAdoo et al. teach a truss fabrication system wherein the gantry includes a spacer (wheel shaft, shown as a circle, connecting wheel 34 to the gantry arm 36, Fig. 1) connected to one of the guide wheels and arranged to extend under the extension arms to position said one guide wheel for engagement with one of the guides (guide wheel 34 is connected to guide 38, Fig. 1). Note that wheel shaft is considered a spacer (see attached definition) and is arranged (see attached definition) to extend (see attached definition) under the extension arm (54) if desired.

As applied to claim 8, McAdoo et al. teach a truss fabrication system wherein the extension arms (54, Fig. 3) define a first work zone (zone B including jigs 52, Fig. 3) and the table deck (table plates 18 a-j, Fig. 3) defines a second work zone (zone A, Fig. 3), each work zone being configured to hold connectors and truss members in position for the gantry press to simultaneously press

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connectors into truss members (Fig. 3). Note that a single passage of gantry press (14, col. 4, lines 12-15) constitutes a simultaneous pressing of the connectors into truss members.

As applied to claim 9, McAdoo et al. teach a truss fabrication system wherein the table deck further comprises a third work zone (zone C, Fig. 3) configured to hold connectors and truss members in position for the gantry press to press connectors into truss members in the third work zone simultaneously with pressing connectors into truss members in the first and second work zones. Note that Figure (3) shows the truss members (members 42 and 44) and connectors (46) are in contact (simultaneously) with table deck (table plates 18 a-j) of the zone (A), extension arms (54) of the zone (C) and members (52) of the zone (B).

As applied to claim 10, McAdoo et al. teach a truss fabrication system wherein the work zones (A, B, C, Fig. 3) are configured to assemble trusses in stages as the truss proceeds laterally through each work zone, wherein the first work zone is configured to splice certain of the truss members together, the second work zone is configured to press connectors on a first side of the truss into truss members to connect the truss members together, and the third work zone is configured to press connectors on a second side of the truss into the truss members (col. 3, lines 58-67, col. 4, lines 1-15).

As applied to claim 11, McAdoo et al. teach a truss fabrication system wherein the truss set-up table comprises a flipper arm (flip-over arm 86 of flipper

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assembly 82, Fig. 6) positioned for flipping the truss (20, Fig. 6) over from the second work zone (Zone A) to the third work zone (Zone C, col. 5, lines 53-56).

As applied to claim 12, McAdoo et al. teach a truss fabrication system wherein the truss set-up table further comprises a clamping system (clamping assemblies 50, Fig. 1) configured to selectively clamp the truss members in the second (zone A, col. 3, lines 58-62) and third work zones (zone C, col. 4, lines 59-60) on the table deck.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It is noted that a truss fabrication system as claimed by the Applicant comprised of a table and gantry press is quite well known in the art. However, Applicant's inventive steps, as claimed, are basically to provide an improved access to the set-up table for the operator and simultaneous assembly of trusses as they proceed laterally (para. [0004], lines 7-10). Powers (U.S. 5,553,375) teaches an apparatus (table 13 and gantry 14, Fig. 1) for manufacturing trusses wherein to provide a full access for the workers to position the truss members, a platform (13) is made of number of separated sections (22, Figs. 1, 3, col. 5, lines 31-35). Simard (U.S. 2004/0006868) teaches a truss assembly apparatus (10 including gantry 22 and table 12, Figs. 1 & 3) wherein a truss assembly table (12) includes a plurality of regularly positioned spaces to provide workers access to the surface of adjacent table sections (para. [0029], lines 8-10). Furthermore, Hubbard alternatively teaches the lateral movement of

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truss assemblies to be pressed by both gantries (13) and (19) at the different work zones (Fig. 1).

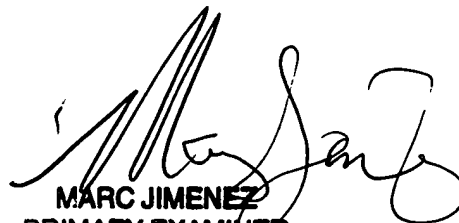
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarang Afzali whose telephone number is 571-272-8412. The examiner can normally be reached on 7:00-3:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.A.

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02/15/2006

  
MARC JIMENEZ  
PRIMARY EXAMINER  
2-16-06